

110TH CONGRESS
2D SESSION

H. R. 5799

To amend titles XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities.

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2008

Ms. EDDIE BERNICE JOHNSON of Texas introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend titles XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Nursing Home Transparency and Improvement Act of
6 2008”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—IMPROVING TRANSPARENCY OF INFORMATION ON
 SKILLED NURSING FACILITIES AND NURSING FACILITIES

Sec. 101. Required disclosure of ownership and affiliated parties information.
 Sec. 102. Accountability requirements.
 Sec. 103. Nursing home compare Medicare website.
 Sec. 104. Reporting of expenditures.
 Sec. 105. Standardized complaint form.
 Sec. 106. Ensuring staffing accountability.

TITLE II—TARGETING ENFORCEMENT

Sec. 201. Civil money penalties.
 Sec. 202. GAO study and report on the relative financial status and performance of special focus facilities.
 Sec. 203. National independent monitor program.
 Sec. 204. GAO studies and reports on temporary management and barriers to purchasing facilities with a record of poor care.
 Sec. 205. Notification of facility closure.
 Sec. 206. National demonstration projects on culture change and use of information technology in nursing homes.

TITLE III—IMPROVING STAFF TRAINING

Sec. 301. Dementia and abuse prevention training.
 Sec. 302. Study and report on training required for certified nurse aides and supervisory staff.

3 **TITLE I—IMPROVING TRANSPARENCY OF INFORMATION**
 4 **ON SKILLED NURSING FACILITIES AND NURSING FACILITIES**
 5 **TIES**

8 **SEC. 101. REQUIRED DISCLOSURE OF OWNERSHIP AND AFFILIATED PARTIES INFORMATION.**

10 (a) SKILLED NURSING FACILITIES.—Section
 11 1819(d)(1) of the Social Security Act (42 U.S.C. 1395i–

1 3(d)(1)) is amended by adding at the end the following
2 new subparagraphs:

3 “(D) AVAILABILITY OF OWNERSHIP AND
4 AFFILIATED PARTIES INFORMATION.—

5 “(i) IN GENERAL.—Beginning on the
6 date of enactment of this subparagraph, a
7 skilled nursing facility must have the infor-
8 mation described in clause (ii) available for
9 submission to the Secretary, the Inspector
10 General of the Department of Health and
11 Human Services, the State, the State long-
12 term care ombudsman, a resident of a fa-
13 cility, and the legal representative of such
14 a resident or other responsible party in the
15 case where the Secretary, the Inspector
16 General, the State, the State long-term
17 care ombudsman, the resident, or the legal
18 representative or responsible party re-
19 quests such information (and, beginning on
20 the effective date of the regulations pro-
21 mulgated under subparagraph (E)(i), for
22 reporting such information in accordance
23 with such regulations). The facility shall
24 certify to the Secretary and the Inspector
25 General of the Department of Health and

1 Human Services, as a condition of partici-
2 pation and payment under the program
3 under this title, that the information sub-
4 mitted upon such request is accurate and
5 current.

6 “(ii) INFORMATION DESCRIBED.—The
7 following information is described in this
8 clause:

9 “(I) The identity of individuals
10 with an ownership or control interest
11 (as defined in section 1124(a)(3)) in
12 the facility.

13 “(II) Information on the mem-
14 bers of the governing body of the
15 skilled nursing facility, including the
16 names, titles, and dates of service of
17 such members.

18 “(III) Information describing the
19 organizational structure of any affili-
20 ated or related parties, including prin-
21 cipal officers and directors of affili-
22 ated or related companies, or mem-
23 bers in the case of a limited liability
24 company.

1 To the extent that information reported by
2 a facility to the Internal Revenue Service
3 on Form 990, information submitted by a
4 facility to the Securities and Exchange
5 Commission, or information otherwise sub-
6 mitted to the Secretary contains the infor-
7 mation described in subclauses (I), (II),
8 and (III), the facility may provide such
9 Form or such information submitted to
10 meet the requirements of clause (i) and
11 subparagraph (E)(i).

12 “(iii) DEFINITION OF AFFILIATED OR
13 RELATED PARTIES.—In this subparagraph,
14 the term ‘affiliated or related parties’
15 means companies or individuals that serve
16 as operators, landlords, management com-
17 panies or advisors, real estate or consulting
18 companies, members of a limited liability
19 company, administrative services compa-
20 nies, lenders and companies providing fi-
21 nancial guarantees, captive or affiliated li-
22 ability insurance companies, and such
23 other entities as the Secretary determines
24 appropriate.

25 “(E) REPORTING.—

1 “(i) IN GENERAL.—Not later than 2
2 years after the date of enactment of this
3 subparagraph, the Secretary shall promul-
4 gate regulations requiring skilled nursing
5 facilities to report the information de-
6 scribed in clause (ii) of subparagraph (D)
7 to the Secretary in a standardized format,
8 and such other regulations as are nec-
9 essary to carry out such subparagraph.
10 Such regulations shall ensure that the fa-
11 cility certifies, as a condition of participa-
12 tion and payment under the program
13 under this title, that the information re-
14 ported is accurate and current.

15 “(ii) GUIDANCE.—The Secretary shall
16 provide guidance and technical assistance
17 to States on how to adopt the standardized
18 format under clause (i).”.

19 (b) NURSING FACILITIES.—Section 1919(d)(1) of the
20 Social Security Act (42 U.S.C. 1396r(d)(1)) is amended
21 by adding at the end the following new subparagraph:

22 “(D) AVAILABILITY OF OWNERSHIP AND
23 AFFILIATED PARTIES INFORMATION.—

24 “(i) IN GENERAL.—Beginning on the
25 date of enactment of this subparagraph, a

1 nursing facility must have the information
2 described in clause (ii) available for sub-
3 mission to the Secretary, the Inspector
4 General of the Department of Health and
5 Human Services, the State, the State long-
6 term care ombudsman, a resident of a fa-
7 cility, and the legal representative of such
8 a resident or other responsible party in the
9 case where the Secretary, the Inspector
10 General, the State, the State long-term
11 care ombudsman, the resident, or the legal
12 representative or responsible party re-
13 quests such information (and, beginning on
14 the effective date of the regulations pro-
15 mulgated under subparagraph (E)(i), for
16 reporting such information in accordance
17 with such regulations). The facility shall
18 certify to the Secretary and the Inspector
19 General of the Department of Health and
20 Human Services, as a condition of partici-
21 pation and payment under the program
22 under this title, that the information sub-
23 mitted upon such request is accurate and
24 current.

1 “(ii) INFORMATION DESCRIBED.—The
2 following information is described in this
3 clause:

4 “(I) The identity of individuals
5 with an ownership or control interest
6 (as defined in section 1124(a)(3)) in
7 the facility.

8 “(II) Information on the mem-
9 bers of the governing body of the
10 nursing facility, including the names,
11 titles, and dates of service of such
12 members.

13 “(III) Information describing the
14 organizational structure of any affili-
15 ated or related parties, including prin-
16 cipal officers and directors of affili-
17 ated or related companies, or mem-
18 bers in the case of a limited liability
19 company.

20 To the extent that information reported by
21 a facility to the Internal Revenue Service
22 on Form 990, information submitted by a
23 facility to the Securities and Exchange
24 Commission, or information otherwise sub-
25 mitted to the Secretary contains the infor-

1 mation described in subclauses (I), (II),
2 and (III), the facility may provide such
3 Form or such information submitted to
4 meet the requirements of clause (i) and
5 subparagraph (E)(i).

6 “(iii) DEFINITION OF AFFILIATED OR
7 RELATED PARTIES.—In this subparagraph,
8 the term ‘affiliated or related parties’
9 means companies or individuals that serve
10 as operators, landlords, management com-
11 panies or advisors, real estate or consulting
12 companies, members of a limited liability
13 company, administrative services compa-
14 nies, lenders and companies providing fi-
15 nancial guarantees, captive or affiliated li-
16 ability insurance companies, and such
17 other entities as the Secretary determines
18 appropriate.

19 “(E) REPORTING.—

20 “(i) IN GENERAL.—Not later than 2
21 years after the date of enactment of this
22 subparagraph, the Secretary shall promul-
23 gate regulations requiring nursing facilities
24 to report the information described in
25 clause (ii) of subparagraph (D) to the Sec-

retary in a standardized format, and such other regulations as are necessary to carry out such subparagraph. Such regulations shall ensure that the facility certifies, as a condition of participation and payment under the program under this title, that the information reported is accurate and current.

“(ii) GUIDANCE.—The Secretary shall provide guidance and technical assistance to States on how to adopt the standardized format under clause (i).”.

SEC. 102. ACCOUNTABILITY REQUIREMENTS.

(a) SKILLED NURSING FACILITIES.—Section 1819(d)(1) of the Social Security Act (42 U.S.C. 1395i–3(d)(1)), as amended by section 101, is amended by adding at the end the following new subparagraph:

“(F) ACCOUNTABILITY REQUIREMENTS.—

“(i) IN GENERAL.—On or after the date that is 2 years after the date of enactment of this subparagraph, any skilled nursing facility or chain of such facilities must meet standards for being an accountable entity by complying with the criteria developed under clause (ii).

1 “(ii) CRITERIA.—Not later than the
2 date that is 2 years after such date of en-
3 actment, the Secretary, in consultation
4 with the General Counsel of the Depart-
5 ment of Health and Human Services and
6 the Inspector General of the Department
7 of Health and Human Services, shall de-
8 velop criteria to define accountability re-
9 quirements applicable to facilities and
10 chains of such facilities. Such criteria
11 shall—

12 “(I) include standards for sub-
13 mission of annual independent audits
14 for facilities that are part of a group
15 under common ownership or control,
16 whether publicly or privately held and
17 which have annual revenues of
18 \$50,000,000 or more in the aggregate
19 as a group; and

20 “(II) require new owners of a fa-
21 cility to provide proof of financial abil-
22 ity to operate the facility, including
23 documentation of projected revenue
24 and expenses for the first 12 months
25 of operation of the facility.

1 “(iii) RULE OF CONSTRUCTION.—The
2 criteria developed under clause (ii), and
3 any requirements to submit information
4 under such criteria, shall be in addition to
5 any information the Secretary otherwise
6 requires providers to submit on the owner-
7 ship and operation of skilled nursing facili-
8 ties (including information required to be
9 submitted or reported under subparagraph
10 (D) or (E)).”.

11 (b) NURSING FACILITIES.—Section 1919(d)(1) of the
12 Social Security Act (42 U.S.C. 1396r(d)(1)), as amended
13 by section 101, is amended by adding at the end the fol-
14 lowing new subparagraph:

15 “(F) ACCOUNTABILITY REQUIREMENTS.—

16 “(i) IN GENERAL.—On or after the
17 date that is 2 years after the date of enact-
18 ment of this subparagraph, any nursing fa-
19 cility or chain of such facilities must meet
20 standards for being an accountable entity
21 by complying with the criteria developed
22 under clause (ii).

23 “(ii) CRITERIA.—Not later than the
24 date that is 2 years after such date of en-
25 actment, the Secretary, in consultation

1 with the General Counsel of the Depart-
2 ment of Health and Human Services and
3 the Inspector General of the Department
4 of Health and Human Services, shall de-
5 velop criteria to define accountability re-
6 quirements applicable to facilities and
7 chains of such facilities. Such criteria
8 shall—

9 “(I) include standards for sub-
10 mission of annual independent audits
11 for facilities that are part of a group
12 under common ownership or control,
13 whether publicly or privately held and
14 which have annual revenues of
15 \$50,000,000 or more in the aggregate
16 as a group; and

17 “(II) require new owners of a fa-
18 cility to provide proof of financial abil-
19 ity to operate the facility, including
20 documentation of projected revenue
21 and expenses for the first 12 months
22 of operation of the facility.

23 “(iii) RULE OF CONSTRUCTION.—The
24 criteria developed under clause (ii), and
25 any requirements to submit information

1 under such criteria, shall be in addition to
 2 any information the Secretary otherwise
 3 requires providers to submit on the owner-
 4 ship and operation of nursing facilities (in-
 5 cluding information required to be sub-
 6 mitted or reported under subparagraph
 7 (D) or (E)).”.

8 **SEC. 103. NURSING HOME COMPARE MEDICARE WEBSITE.**

9 (a) SKILLED NURSING FACILITIES.—

10 (1) IN GENERAL.—Section 1819 of the Social
 11 Security Act (42 U.S.C. 1395i–3) is amended—

12 (A) by redesignating subsection (i) as sub-
 13 section (j); and

14 (B) by inserting after subsection (h) the
 15 following new subsection:

16 “(i) NURSING HOME COMPARE WEBSITE.—

17 “(1) INCLUSION OF ADDITIONAL INFORMA-
 18 TION.—

19 “(A) IN GENERAL.—The Secretary shall
 20 ensure that the Department of Health and
 21 Human Services includes, as part of the infor-
 22 mation provided for comparison of nursing
 23 homes on the official Internet website of the
 24 Federal Government for Medicare beneficiaries
 25 (commonly referred to as the ‘Nursing Home

1 Compare’ Medicare website) (or a successor
2 website), the following information in a manner
3 that is prominent, easily accessible, readily un-
4 derstandable to consumers of long-term care
5 services, and searchable:

6 “(i) Information that is reported to
7 the Secretary under subparagraph (E) of
8 subsection (d)(1) and information sub-
9 mitted with respect to accountability re-
10 quirements applicable to facilities and
11 chains of facilities under subparagraph (F)
12 of such subsection.

13 “(ii) Information on the ‘Special
14 Focus Facility program’ (or a successor
15 program) established by the Centers for
16 Medicare & Medicaid Services, according to
17 procedures established by the Secretary.
18 Such procedures shall provide for the in-
19 clusion of information with respect to, and
20 the names and locations of, those facilities
21 that—

22 “(I) have been enrolled in the
23 program;

24 “(II) are enrolled in the program
25 and have failed to make significant

1 progress within 18 months after such
2 enrollment; and

3 “(III) have closed voluntarily or
4 whose participation under this title
5 has been terminated by the Secretary.

6 “(iii) Staffing data for each facility
7 (including resident census data and data
8 on the hours of care provided per resident
9 per day) based on data submitted under
10 subsection (b)(8)(C)(ii), including informa-
11 tion on staffing turnover and tenure, in a
12 format that is clearly understandable to
13 consumers of long-term care services and
14 allows such consumers to compare dif-
15 ferences in staffing between facilities.

16 “(iv) Links to State Internet websites
17 with information regarding State survey
18 and certification programs, links to Form
19 2567 State inspection reports (or a suc-
20 cessor form) on such websites, information
21 to guide consumers in how to interpret and
22 understand such reports, and the facility
23 plan of correction or other response to
24 such report.

1 “(v) The standardized complaint form
2 developed under subsection (f)(8), includ-
3 ing explanatory material on what com-
4 plaint forms are, how they are used, and
5 how to file a complaint with the State sur-
6 vey and certification program and the
7 State long-term care ombudsman program.

8 “(vi) A summary of information on
9 enforcement that includes remedies pro-
10 posed and imposed by the Secretary with
11 respect to a skilled nursing facility during
12 the preceding 3 years.

13 “(B) DEADLINE FOR PROVISION OF INFOR-
14 MATION.—

15 “(i) IN GENERAL.—Except as pro-
16 vided in clause (ii), the Secretary shall en-
17 sure that the information described in sub-
18 paragraph (A) is included on such website
19 (or a successor website) not later than 1
20 year after the date of enactment of this
21 subsection.

22 “(ii) EXCEPTIONS.—

23 “(I) OWNERSHIP AND AFFILI-
24 ATED PARTIES AND ACCOUNTABILITY
25 REQUIREMENTS INFORMATION.—The

1 Secretary shall ensure that the infor-
2 mation described in subparagraph
3 (A)(i) is included on such website (or
4 a successor website) not later than the
5 date on which the requirements under
6 subparagraphs (E) and (F), respec-
7 tively, of subsection (d)(1) are imple-
8 mented.

9 “(II) STAFFING DATA.—The Sec-
10 retary shall ensure that the informa-
11 tion described in subparagraph
12 (A)(iii) is included on such website (or
13 a successor website) not later than the
14 date on which the requirement under
15 subsection (b)(8)(C)(ii) is imple-
16 mented.

17 “(2) REVIEW AND MODIFICATION OF
18 WEBSITE.—

19 “(A) IN GENERAL.—The Secretary shall
20 establish a process—

21 “(i) to review the accuracy, clarity of
22 presentation, timeliness, and comprehen-
23 siveness of information reported on such
24 website as of the day before the date of en-
25 actment of this subsection; and

1 “(ii) not later than 1 year after the
 2 date of enactment of this subsection, to
 3 modify or revamp such website in accord-
 4 ance with the review conducted under
 5 clause (i).

6 “(B) CONSULTATION.—In conducting the
 7 review under subparagraph (A)(i), the Sec-
 8 retary shall consult with—

9 “(i) State long-term care ombudsman
 10 programs;

11 “(ii) consumer advocacy groups;

12 “(iii) provider stakeholder groups; and

13 “(iv) any other representatives of pro-
 14 grams or groups the Secretary determines
 15 appropriate.”.

16 (2) TIMELINESS OF SUBMISSION OF SURVEY
 17 AND CERTIFICATION INFORMATION.—

18 (A) IN GENERAL.—Section 1819(g)(5) of
 19 the Social Security Act (42 U.S.C. 1395i-
 20 3(g)(5)) is amended by adding at the end the
 21 following new subparagraph:

22 “(E) SUBMISSION OF SURVEY AND CER-
 23 TIFICATION INFORMATION TO THE SEC-
 24 RETARY.—In order to improve the timeliness of
 25 information made available to the public under

subparagraph (A) and provided on the Nursing Home Compare Medicare website under subsection (i), each State shall submit information respecting any survey or certification made respecting a skilled nursing facility (including any enforcement actions taken by the State) to the Secretary not later than the date on which the State sends such information to the facility. The Secretary shall use the information submitted under the preceding sentence to update the information provided on the Nursing Home Compare Medicare website as expeditiously as practicable.”.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall take effect 1 year after the date of enactment of this Act.

(b) NURSING FACILITIES.—

(1) IN GENERAL.—Section 1919 of the Social Security Act (42 U.S.C. 1396r) is amended—

(A) by redesignating subsection (i) as subsection (j); and

(B) by inserting after subsection (h) the following new subsection:

“(i) NURSING HOME COMPARE WEBSITE.—

1 “(1) INCLUSION OF ADDITIONAL INFORMA-
2 TION.—

3 “(A) IN GENERAL.—The Secretary shall
4 ensure that the Department of Health and
5 Human Services includes, as part of the infor-
6 mation provided for comparison of nursing
7 homes on the official Internet website of the
8 Federal Government for Medicare beneficiaries
9 (commonly referred to as the ‘Nursing Home
10 Compare’ Medicare website) (or a successor
11 website), the following information in a manner
12 that is prominent, easily accessible, readily un-
13 derstandable to consumers of long-term care
14 services, and searchable:

15 “(i) Information that is reported to
16 the Secretary under subparagraph (E) of
17 subsection (d)(1) and information sub-
18 mitted with respect to accountability re-
19 quirements applicable to facilities and
20 chains of facilities under subparagraph (F)
21 of such subsection.

22 “(ii) Information on the ‘Special
23 Focus Facility program’ (or a successor
24 program) established by the Centers for
25 Medicare & Medicaid Services, according to

1 procedures established by the Secretary.
2 Such procedures shall provide for the in-
3 clusion of information with respect to, and
4 the names and locations of, those facilities
5 that—

6 “(I) have been enrolled in the
7 program;

8 “(II) are enrolled in the program
9 and have failed to make significant
10 progress within 18 months after such
11 enrollment; and

12 “(III) have closed voluntarily or
13 whose participation under this title
14 has been terminated by the Secretary.

15 “(iii) Staffing data for each facility
16 (including resident census data and data
17 on the hours of care provided per resident
18 per day) based on data submitted under
19 subsection (b)(8)(C)(ii), including informa-
20 tion on staffing turnover and tenure, in a
21 format that is clearly understandable to
22 consumers of long-term care services and
23 allows such consumers to compare dif-
24 ferences in staffing between facilities.

1 “(iv) Links to State Internet websites
2 with information regarding State survey
3 and certification programs, links to Form
4 2567 State inspection reports (or a suc-
5 cessor form) on such websites, information
6 to guide consumers in how to interpret and
7 understand such reports, and the facility
8 plan of correction or other response to
9 such report.

10 “(v) The standardized complaint form
11 developed under subsection (f)(10), includ-
12 ing explanatory material on what com-
13 plaint forms are, how they are used, and
14 how to file a complaint with the State sur-
15 vey and certification program and the
16 State long-term care ombudsman program.

17 “(vi) A summary of information on
18 enforcement that includes remedies pro-
19 posed and imposed by the Secretary or a
20 State with respect to a nursing facility
21 during the preceding 3 years.

22 “(B) DEADLINE FOR PROVISION OF INFOR-
23 MATION.—

24 “(i) IN GENERAL.—Except as pro-
25 vided in clause (ii), the Secretary shall en-

1 sure that the information described in sub-
2 paragraph (A) is included on such website
3 (or a successor website) not later than 1
4 year after the date of enactment of this
5 subsection.

6 “(ii) EXCEPTIONS.—

7 “(I) OWNERSHIP AND AFFILI-
8 ATED PARTIES AND ACCOUNTABILITY
9 REQUIREMENTS INFORMATION.—The
10 Secretary shall ensure that the infor-
11 mation described in subparagraph
12 (A)(i) is included on such website (or
13 a successor website) not later than the
14 date on which the requirements under
15 subparagraph (E) and (F), respec-
16 tively, of subsection (d)(1) are imple-
17 mented.

18 “(II) STAFFING DATA.—The Sec-
19 retary shall ensure that the informa-
20 tion described in subparagraph
21 (A)(iii) is included on such website (or
22 a successor website) not later than the
23 date on which the requirement under
24 subsection (b)(8)(C)(ii) is imple-
25 mented.

1 “(2) REVIEW AND MODIFICATION OF
2 WEBSITE.—

3 “(A) IN GENERAL.—The Secretary shall
4 establish a process—

5 “(i) to review the accuracy, clarity of
6 presentation, timeliness, and comprehen-
7 siveness of information reported on such
8 website as of the day before the date of en-
9 actment of this subsection; and

10 “(ii) not later than 1 year after the
11 date of enactment of this subsection, to
12 modify or revamp such website in accord-
13 ance with the review conducted under
14 clause (i).

15 “(B) CONSULTATION.—In conducting the
16 review under subparagraph (A)(i), the Sec-
17 retary shall consult with—

18 “(i) State long-term care ombudsman
19 programs;

20 “(ii) consumer advocacy groups;

21 “(iii) provider stakeholder groups; and

22 “(iv) any other representatives of pro-
23 grams or groups the Secretary determines
24 appropriate.”.

1 (2) TIMELINESS OF SUBMISSION OF SURVEY
2 AND CERTIFICATION INFORMATION.—

3 (A) IN GENERAL.—Section 1919(g)(5) of
4 the Social Security Act (42 U.S.C. 1396r(g)(5))
5 is amended by adding at the end the following
6 new subparagraph:

7 “(E) SUBMISSION OF SURVEY AND CER-
8 TIFICATION INFORMATION TO THE SEC-
9 RETARY.—In order to improve the timeliness of
10 information made available to the public under
11 subparagraph (A) and provided on the Nursing
12 Home Compare Medicare website under sub-
13 section (i), each State shall submit information
14 respecting any survey or certification made re-
15 specting a nursing facility (including any en-
16 forcement actions taken by the State) to the
17 Secretary not later than the date on which the
18 State sends such information to the facility.
19 The Secretary shall use the information sub-
20 mitted under the preceding sentence to update
21 the information provided on the Nursing Home
22 Compare Medicare website as expeditiously as
23 practicable.”.

1 (B) EFFECTIVE DATE.—The amendment
 2 made by this paragraph shall take effect 1 year
 3 after the date of enactment of this Act.

4 (c) AVAILABILITY OF REPORTS ON SURVEYS, CER-
 5 TIFICATIONS, AND COMPLAINT INVESTIGATIONS.—

6 (1) SKILLED NURSING FACILITIES.—Section
 7 1819(d)(1) of the Social Security Act (42 U.S.C.
 8 1395i–3(d)(1)), as amended by section 102, is
 9 amended by adding at the end the following new
 10 subparagraph:

11 “(G) AVAILABILITY OF SURVEY, CERTIFI-
 12 CATION, AND COMPLAINT INVESTIGATION RE-
 13 PORTS.—A skilled nursing facility must—

14 “(i) have reports with respect to any
 15 surveys, certifications, and complaint in-
 16 vestigations made respecting the facility
 17 during the 3 preceding years available for
 18 any individual to review upon request; and

19 “(ii) post notice of the availability of
 20 such reports in areas of the facility that
 21 are prominent and accessible to the pub-
 22 lic.”.

23 (2) NURSING FACILITIES.—Section 1919(d)(1)
 24 of the Social Security Act (42 U.S.C. 1396r(d)(1)),

as amended by section 102, is amended by adding
at the end the following new subparagraph:

“(G) AVAILABILITY OF SURVEY, CERTIFICATION, AND COMPLAINT INVESTIGATION REPORTS.—A nursing facility must—

“(i) have reports with respect to any surveys, certifications, and complaint investigations made respecting the facility during the 3 preceding years available for any individual to review upon request; and

“(ii) post notice of the availability of such reports in areas of the facility that are prominent and accessible to the public.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect 1 year after the date of enactment of this Act.

(d) GUIDANCE TO STATES ON FORM 2567 STATE INSPECTION REPORTS AND COMPLAINT INVESTIGATION REPORTS.—

(1) GUIDANCE.—The Secretary shall provide guidance to States on how States can establish electronic links to Form 2567 State inspection reports (or a successor form), complaint investigation reports, and a facility’s plan of correction or other re-

1 sponse to such Form 2567 State inspection reports
 2 (or a successor form) on the Internet website of the
 3 State that provides information on skilled nursing
 4 facilities and nursing facilities.

5 (2) DEFINITIONS.—In this subsection:

6 (A) NURSING FACILITY.—The term “nurs-
 7 ing facility” has the meaning given such term
 8 in section 1919(a) of the Social Security Act
 9 (42 U.S.C. 1396r(a)).

10 (B) SECRETARY.—The term “Secretary”
 11 means the Secretary of Health and Human
 12 Services.

13 (C) SKILLED NURSING FACILITY.—The
 14 term “skilled nursing facility” has the meaning
 15 given such term in section 1819(a) of the Social
 16 Security Act (42 U.S.C. 1395i–3(a)).

17 **SEC. 104. REPORTING OF EXPENDITURES.**

18 Section 1888 of the Social Security Act (42 U.S.C.
 19 1395yy) is amended by adding at the end the following
 20 new subsection:

21 “(f) REPORTING OF EXPENDITURES.—

22 “(1) IN GENERAL.—For cost reports submitted
 23 for cost reporting periods beginning on or after the
 24 date that is 1 year after the date of enactment of
 25 this subsection, skilled nursing facilities shall sepa-

1 rately report expenditures for wages and benefits for
2 nursing staff (by staff level, breaking out (at a min-
3 imum) registered nurses, licensed professional
4 nurses, and certified nurse assistants).

5 “(2) MODIFICATION OF FORM.—The Secretary,
6 in consultation with private sector accountants expe-
7 rienced with Medicare and Medicaid nursing facility
8 home cost reports, shall redesign such reports to
9 meet the requirement of paragraph (1).

10 “(3) CATEGORIZATION.—The Secretary, work-
11 ing in consultation with the Medicare Payment Advi-
12 sory Commission, the Inspector General of the De-
13 partment of Health and Human Services, and other
14 expert parties the Secretary determines appropriate,
15 shall take the expenditures listed on cost reports
16 submitted by skilled nursing facilities and categorize
17 such expenditures into the following categories on an
18 annual basis:

19 “(A) Spending on direct care services (in-
20 cluding nursing, therapy, and non-ancillary
21 therapy services).

22 “(B) Spending on indirect care (including
23 housekeeping, dietary, and other related serv-
24 ices).

1 “(C) Capital costs (including building and
2 land costs).

3 “(D) Administrative costs.

4 “(4) AVAILABILITY OF INFORMATION SUB-
5 MITTED.—The Secretary shall establish procedures
6 to make information on expenditures submitted
7 under this subsection readily available to interested
8 parties upon request, subject to such requirements
9 as the Secretary may specify under the procedures
10 established under this paragraph.”.

11 **SEC. 105. STANDARDIZED COMPLAINT FORM.**

12 (a) SKILLED NURSING FACILITIES.—

13 (1) DEVELOPMENT BY THE SECRETARY.—Sec-
14 tion 1819(f) of the Social Security Act (42 U.S.C.
15 1395i–3(f)) is amended by adding at the end the fol-
16 lowing new paragraph:

17 “(8) STANDARDIZED COMPLAINT FORM.—The
18 Secretary shall develop a standardized complaint
19 form for use by a resident (or a person acting on the
20 resident’s behalf) in filing a complaint with a State
21 survey and certification agency and a State long-
22 term care ombudsman program with respect to a
23 skilled nursing facility.”.

24 (2) STATE REQUIREMENTS.—Section 1819(e)
25 of the Social Security Act (42 U.S.C. 1395i–3(e)) is

1 amended by adding at the end the following new
2 paragraph:

3 “(6) COMPLAINT FORMS AND RESOLUTION
4 PROCESSES.—

5 “(A) COMPLAINT FORMS.—The State must
6 make the standardized complaint form devel-
7 oped under subsection (f)(8) available upon re-
8 quest to—

9 “(i) a resident of a skilled nursing fa-
10 cility; and

11 “(ii) any person acting on the resi-
12 dent’s behalf.

13 “(B) COMPLAINT RESOLUTION PROCESS.—

14 The State must establish a complaint resolution
15 process in order to ensure that the legal rep-
16 resentative of a resident of a skilled nursing fa-
17 cility or other responsible party is not denied
18 access to such resident or otherwise retaliated
19 against if they have complained about the qual-
20 ity of care provided by the facility or other
21 issues relating to the facility. Such complaint
22 resolution process shall include—

23 “(i) procedures to assure accurate
24 tracking of complaints received, including

1 notification to the complainant that a com-
 2 plaint has been received;

3 “(ii) procedures to determine the like-
 4 ly severity of a complaint and for the in-
 5 vestigation of the complaint; and

6 “(iii) deadlines for responding to a
 7 complaint and for notifying the complain-
 8 ant of the outcome of the investigation.

9 “(C) RULE OF CONSTRUCTION.—Nothing
 10 in this paragraph shall be construed as pre-
 11 venting a resident of a skilled nursing facility
 12 (or a person acting on the resident’s behalf)
 13 from submitting a complaint in a manner or
 14 format other than by using the standardized
 15 complaint form developed under subsection
 16 (f)(8) (including submitting a complaint oral-
 17 ly).”.

18 (b) NURSING FACILITIES.—

19 (1) DEVELOPMENT BY THE SECRETARY.—Sec-
 20 tion 1919(f) of the Social Security Act (42 U.S.C.
 21 1395i–3(f)) is amended by adding at the end the fol-
 22 lowing new paragraph:

23 “(10) STANDARDIZED COMPLAINT FORM.—The
 24 Secretary shall develop a standardized complaint
 25 form for use by a resident (or a person acting on the

1 resident’s behalf) in filing a complaint with a State
2 survey and certification agency and a State long-
3 term care ombudsman program with respect to a
4 nursing facility.”.

5 (2) STATE REQUIREMENTS.—Section 1919(e)
6 of the Social Security Act (42 U.S.C. 1395i–3(e)) is
7 amended by adding at the end the following new
8 paragraph:

9 “(8) COMPLAINT FORMS AND RESOLUTION
10 PROCESSES.—

11 “(A) COMPLAINT FORMS.—The State must
12 make the standardized complaint form devel-
13 oped under subsection (f)(10) available upon re-
14 quest to—

15 “(i) a resident of a nursing facility;
16 and

17 “(ii) any person acting on the resi-
18 dent’s behalf.

19 “(B) COMPLAINT RESOLUTION PROCESS.—
20 The State must establish a complaint resolution
21 process in order to ensure that the legal rep-
22 resentative of a resident of a nursing facility or
23 other responsible party is not denied access to
24 such resident or otherwise retaliated against if
25 they have complained about the quality of care

1 provided by the facility or other issues relating
2 to the facility. Such complaint resolution proc-
3 ess shall include—

4 “(i) procedures to assure accurate
5 tracking of complaints received, including
6 notification to the complainant that a com-
7 plaint has been received;

8 “(ii) procedures to determine the like-
9 ly severity of a complaint and for the in-
10 vestigation of the complaint; and

11 “(iii) deadlines for responding to a
12 complaint and for notifying the complain-
13 ant of the outcome of the investigation.

14 “(C) RULE OF CONSTRUCTION.—Nothing
15 in this paragraph shall be construed as pre-
16 venting a resident of a nursing facility (or a
17 person acting on the resident’s behalf) from
18 submitting a complaint in a manner or format
19 other than by using the standardized complaint
20 form developed under subsection (f)(10) (in-
21 cluding submitting a complaint orally).”.

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section shall take effect 1 year after the date of enact-
24 ment of this Act.

1 **SEC. 106. ENSURING STAFFING ACCOUNTABILITY.**

2 (a) SKILLED NURSING FACILITIES.—Section
3 1819(b)(8) of the Social Security Act (42 U.S.C. 1395i–
4 3(b)(8)) is amended by adding at the end the following
5 new subparagraph:

6 “(C) SUBMISSION OF STAFFING INFORMA-
7 TION BASED ON PAYROLL DATA IN A UNIFORM
8 FORMAT.—

9 “(i) DESIGN PHASE.—

10 “(I) IN GENERAL.—The Sec-
11 retary shall establish a program for
12 skilled nursing facilities to report
13 staffing information (including infor-
14 mation with respect to agency and
15 contract staff) based on payroll data.
16 Such program shall be conducted for
17 a 1-year period beginning on the date
18 of enactment of this subparagraph.

19 “(II) REPORT.—Not later than 6
20 months after the completion of the
21 program established under subclause
22 (I), the Secretary shall submit a re-
23 port to Congress containing the re-
24 sults of the program.

25 “(ii) SUBMISSION OF STAFFING IN-
26 FORMATION.—Beginning not later than 1

1 year after the completion of the program
2 established under clause (i)(I), the Sec-
3 retary shall require a skilled nursing facil-
4 ity to electronically submit to the Secretary
5 nurse staffing information (including infor-
6 mation with respect to agency and contract
7 staff) based on payroll data in a uniform
8 format (according to specifications estab-
9 lished by the Secretary). Such specifica-
10 tions shall require that the information
11 submitted under the preceding sentence—

12 “(I) specify the category of work
13 a certified employee performs (such as
14 whether the employee is a registered
15 nurse, licensed practical nurse, li-
16 censed vocational nurse, or certified
17 nursing assistant);

18 “(II) include resident census
19 data;

20 “(III) include a regular reporting
21 schedule; and

22 “(IV) include information on em-
23 ployee turnover and tenure and on the
24 hours of care provided by each cat-

1 egory of certified employees referenced
2 in subclause (I) per resident per day.”

3 (b) NURSING FACILITIES.—Section 1919(b)(8) of the
4 Social Security Act (42 U.S.C. 1396r(b)(8)) is amended
5 by adding at the end the following new subparagraph:

6 “(C) SUBMISSION OF STAFFING INFORMA-
7 TION BASED ON PAYROLL DATA IN A UNIFORM
8 FORMAT.—

9 “(i) DESIGN PHASE.—

10 “(I) IN GENERAL.—The Sec-
11 retary shall establish a program for
12 nursing facilities to report staffing in-
13 formation (including information with
14 respect to agency and contract staff)
15 based on payroll data. Such program
16 shall be conducted for a 1-year period
17 beginning on the date of enactment of
18 this subparagraph.

19 “(II) REPORT.—Not later than 6
20 months after the completion of the
21 program established under subclause
22 (I), the Secretary shall submit a re-
23 port to Congress containing the re-
24 sults of the program.

1 “(ii) SUBMISSION OF STAFFING IN-
2 FORMATION.—Beginning not later than 1
3 year after the completion of the program
4 established under clause (i)(I), the Sec-
5 retary shall require a nursing facility to
6 electronically submit to the Secretary
7 nurse staffing information (including infor-
8 mation with respect to agency and contract
9 staff) based on payroll data in a uniform
10 format (according to specifications estab-
11 lished by the Secretary). Such specifica-
12 tions shall require that the information
13 submitted under the preceding sentence—

14 “(I) specify the category of work
15 a certified employee performs (such as
16 whether the employee is a registered
17 nurse, licensed practical nurse, li-
18 censed vocational nurse, or certified
19 nursing assistant);

20 “(II) include resident census
21 data;

22 “(III) include a regular reporting
23 schedule; and

24 “(IV) include information on em-
25 ployee turnover and tenure and on the

1 hours of care provided by each cat-
 2 egory of certified employees referenced
 3 in subclause (I) per resident per day.”

4 **TITLE II—TARGETING** 5 **ENFORCEMENT**

6 **SEC. 201. CIVIL MONEY PENALTIES.**

7 (a) SKILLED NURSING FACILITIES.—

8 (1) IN GENERAL.—Section 1819(h)(2)(B)(ii) of
 9 the Social Security Act (42 U.S.C. 1395i–
 10 3(h)(2)(B)(ii)) is amended to read as follows:

11 “(ii) AUTHORITY WITH RESPECT TO
 12 CIVIL MONEY PENALTIES.—

13 “(I) AMOUNT.—Subject to sub-
 14 clause (III), the Secretary may impose
 15 a civil money penalty in the applicable
 16 amount (as defined in subclause (II))
 17 for each day or each instance of non-
 18 compliance (as determined appro-
 19 priate by the Secretary).

20 “(II) APPLICABLE AMOUNT.—In
 21 this clause, the term ‘applicable
 22 amount’ means—

23 “(aa) in the case where the
 24 deficiency results in the death of

1 a resident of the facility, an
2 amount not to exceed \$100,000;

3 “(bb) in the case of a defi-
4 ciency where the facility is cited
5 for actual harm or immediate
6 jeopardy, an amount not less
7 than \$3,000 and not more than
8 \$25,000; and

9 “(cc) in the case of any
10 other deficiency, an amount not
11 to exceed \$3,000.

12 “(III) REDUCTION OF CIVIL
13 MONEY PENALTIES IN CERTAIN CIR-
14 CUMSTANCES.—Subject to subclause
15 (IV), in the case where a facility self-
16 reports and promptly corrects a defi-
17 ciency for which a penalty was im-
18 posed under this clause not later than
19 10 calendar days after the date of
20 such imposition, the Secretary may
21 reduce the amount of the penalty im-
22 posed by not more than 50 percent.

23 “(IV) PROHIBITIONS ON REDUC-
24 TION FOR CERTAIN DEFICIENCIES.—

1 “(aa) REPEAT DEFI-
2 CIENCIES.—The Secretary may
3 not reduce the amount of a pen-
4 alty under subclause (III) if the
5 Secretary had reduced a penalty
6 imposed on the facility in the
7 preceding year under such sub-
8 clause with respect to a repeat
9 deficiency.

10 “(bb) CERTAIN OTHER DE-
11 FICIENCIES.—The Secretary may
12 not reduce the amount of a pen-
13 alty under subclause (III) if the
14 penalty is imposed for a defi-
15 ciency described in subclause
16 (II)(bb) and the actual harm is
17 found to result in a pattern of
18 harm or widespread harm that
19 immediately jeopardizes the
20 health or safety of a resident or
21 residents of the facility, or if the
22 penalty is imposed for a defi-
23 ciency described in subclause
24 (II)(aa).

1 “(V) COLLECTION OF CIVIL
2 MONEY PENALTIES.—In the case of a
3 civil money penalty imposed under
4 this clause for a deficiency described
5 in item (aa) or (bb) of subclause (II),
6 the Secretary—

7 “(aa) subject to item (bb),
8 shall provide the opportunity for
9 the facility to participate in an
10 informal dispute resolution proc-
11 ess prior to the collection of such
12 penalty;

13 “(bb) may provide for the
14 collection of such civil money
15 penalty and the placement of
16 such amounts collected in an es-
17 crow account on the earlier of the
18 date on which the informal dis-
19 pute resolution process under
20 item (aa) is completed or the
21 date that is 90 days after the
22 date of the imposition of the pen-
23 alty;

24 “(cc) may provide that such
25 amounts collected are kept in

1 such account pending the resolu-
2 tion of any appeals;

3 “(dd) in the case where the
4 facility successfully appeals the
5 penalty, may provide for the re-
6 turn of such amounts collected
7 (plus interest) to the facility; and

8 “(ee) in the case where all
9 such appeals are unsuccessful,
10 may provide that some portion of
11 such amounts collected may be
12 used to support activities that
13 benefit residents, including as-
14 sistance to support and protect
15 residents who reside in a facility
16 that closes (voluntarily or invol-
17 untarily) or is decertified (includ-
18 ing offsetting costs of relocating
19 residents to home and commu-
20 nity-based settings or another fa-
21 cility), and projects that support
22 resident and family councils and
23 other consumer involvement in
24 assuring quality care in facilities.

1 “(VI) PROCEDURE.—The provi-
 2 sions of section 1128A (other than
 3 subsections (a) and (b) and except to
 4 the extent that such provisions require
 5 a hearing prior to the imposition of a
 6 civil money penalty in the case de-
 7 scribed in subclause (V)) shall apply
 8 to a civil money penalty under this
 9 clause in the same manner as such
 10 provisions apply to a penalty or pro-
 11 ceeding under section 1128A(a).”.

12 (2) CONFORMING AMENDMENT.—The second
 13 sentence of section 1819(h)(5) of the Social Security
 14 Act (42 U.S.C. 1395i–3(h)(5)) is amended by insert-
 15 ing “(ii)(V),” after “(i),”.

16 (b) NURSING FACILITIES.—

17 (1) PENALTIES IMPOSED BY THE STATE.—

18 (A) IN GENERAL.—Section 1919(h)(2) of
 19 the Social Security Act (42 U.S.C. 1396r(h)(2))
 20 is amended—

21 (i) in subparagraph (A)(ii), by strik-
 22 ing the first sentence and inserting the fol-
 23 lowing: “A civil money penalty in accord-
 24 ance with subparagraph (G).”; and

1 (ii) by adding at the end the following
2 new subparagraph:

3 “(G) CIVIL MONEY PENALTIES.—

4 “(i) IN GENERAL.—Subject to clause
5 (iii), the State may impose a civil money
6 penalty under subparagraph (A)(ii) in the
7 applicable amount for each day or each in-
8 stance of noncompliance (as determined
9 appropriate by the State).

10 “(ii) DEFINITION OF APPLICABLE
11 AMOUNT.—In this subparagraph, the term
12 ‘applicable amount’ means—

13 “(I) in the case where the defi-
14 ciency results in the death of a resi-
15 dent of the facility, an amount not to
16 exceed \$100,000;

17 “(II) in the case of a deficiency
18 where the facility is cited for actual
19 harm or immediate jeopardy, an
20 amount not less than \$3,000 and not
21 more than \$25,000; and

22 “(III) in the case of any other
23 deficiency, an amount not to exceed
24 \$3,000.

1 “(iii) REDUCTION OF CIVIL MONEY
2 PENALTIES IN CERTAIN CIR-
3 CUMSTANCES.—Subject to clause (iv), in
4 the case where a facility self-reports and
5 promptly corrects a deficiency for which a
6 penalty was imposed under subparagraph
7 (A)(ii) not later than 10 calendar days
8 after the date of such imposition, the State
9 may reduce the amount of the penalty im-
10 posed by not more than 50 percent.

11 “(iv) PROHIBITION ON REDUCTION
12 FOR CERTAIN DEFICIENCIES.—

13 “(I) REPEAT DEFICIENCIES.—
14 The State may not reduce the amount
15 of a penalty under clause (iii) if the
16 State had reduced a penalty imposed
17 on the facility in the preceding year
18 under such clause with respect to a
19 repeat deficiency.

20 “(II) CERTAIN OTHER DEFICI-
21 CIENCIES.—The State may not reduce
22 the amount of a penalty under clause
23 (iii) if the penalty is imposed for a de-
24 ficiency described in clause (ii)(II)
25 and the actual harm is found to result

1 in a pattern of harm or widespread
2 harm that immediately jeopardizes the
3 health or safety of a resident or resi-
4 dents of the facility, or if the penalty
5 is imposed for a deficiency described
6 in clause (ii)(I).

7 “(v) COLLECTION OF CIVIL MONEY
8 PENALTIES.—In the case of a civil money
9 penalty imposed under subparagraph
10 (A)(ii) for a deficiency described in sub-
11 clause (I) or (II) of clause (ii), the State—

12 “(I) subject to subclause (II),
13 shall provide the opportunity for the
14 facility to participate in an informal
15 dispute resolution process prior to the
16 collection of such penalty;

17 “(II) may provide for the collec-
18 tion of such civil money penalty and
19 the placement of such amounts col-
20 lected in an escrow account on the
21 earlier of the date on which the infor-
22 mal dispute resolution process under
23 subclause (I) is completed or the date
24 that is 90 days after the date of the
25 imposition of the penalty;

1 “(III) may provide that such
2 amounts collected are kept in such ac-
3 count pending the resolution of any
4 appeals;

5 “(IV) in the case where the facil-
6 ity successfully appeals the penalty,
7 may provide for the return of such
8 amounts collected (plus interest) to
9 the facility; and

10 “(V) in the case where all such
11 appeals are unsuccessful, may provide
12 that such funds collected shall be used
13 for the purposes described in the sec-
14 ond sentence of subparagraph
15 (A)(ii).”.

16 (B) CONFORMING AMENDMENT.—The sec-
17 ond sentence of section 1919(h)(2)(A)(ii) is
18 amended by inserting “, and some portion of
19 such funds may be used to support activities
20 that benefit residents, including assistance to
21 support and protect residents who reside in a
22 facility that closes (voluntarily or involuntarily)
23 or is decertified (including offsetting costs of re-
24 locating residents to home and community-
25 based settings or another facility), and projects

1 that support resident and family councils and
 2 other consumer involvement in assuring quality
 3 care in facilities” before the period at the end.

4 (2) PENALTIES IMPOSED BY THE SEC-
 5 RETARY.—

6 (A) IN GENERAL.—Section
 7 1919(h)(3)(C)(ii) of the Social Security Act (42
 8 U.S.C. 1396r(h)(3)(C)) is amended to read as
 9 follows:

10 “(ii) AUTHORITY WITH RESPECT TO
 11 CIVIL MONEY PENALTIES.—

12 “(I) AMOUNT.—Subject to sub-
 13 clause (III), the Secretary may impose
 14 a civil money penalty in the applicable
 15 amount (as defined in subclause (II))
 16 for each day or each instance of non-
 17 compliance (as determined appro-
 18 priate by the Secretary).

19 “(II) APPLICABLE AMOUNT.—In
 20 this clause, the term ‘applicable
 21 amount’ means—

22 “(aa) in the case where the
 23 deficiency results in the death of
 24 a resident of the facility, an
 25 amount not to exceed \$100,000;

“(bb) in the case of a deficiency where the facility is cited for actual harm or immediate jeopardy, an amount not less than \$3,000 and not more than \$25,000; and

“(cc) in the case of any other deficiency, an amount not to exceed \$3,000.

“(III) REDUCTION OF CIVIL MONEY PENALTIES IN CERTAIN CIRCUMSTANCES.—Subject to subclause (IV), in the case where a facility self-reports and promptly corrects a deficiency for which a penalty was imposed under this clause not later than 10 calendar days after the date of such imposition, the Secretary may reduce the amount of the penalty imposed by not more than 50 percent.

“(IV) PROHIBITIONS ON REDUCTION FOR CERTAIN DEFICIENCIES.—

“(aa) REPEAT DEFICIENCIES.—The Secretary may not reduce the amount of a pen-

1 alty under subclause (III) if the
2 Secretary had reduced a penalty
3 imposed on the facility in the
4 preceding year under such sub-
5 clause with respect to a repeat
6 deficiency.

7 “(bb) CERTAIN OTHER DE-
8 FICIENCIES.—The Secretary may
9 not reduce the amount of a pen-
10 alty under subclause (III) if the
11 penalty is imposed for a defi-
12 ciency described in subclause
13 (II)(bb) and the actual harm is
14 found to result in a pattern of
15 harm or widespread harm that
16 immediately jeopardizes the
17 health or safety of a resident or
18 residents of the facility, or if the
19 penalty is imposed for a defi-
20 ciency described in subclause
21 (II)(aa).

22 “(V) COLLECTION OF CIVIL
23 MONEY PENALTIES.—In the case of a
24 civil money penalty imposed under
25 this clause for a deficiency described

1 in item (aa) or (bb) of subclause (II),
2 the Secretary—

3 “(aa) subject to item (bb),
4 shall provide the opportunity for
5 the facility to participate in an
6 informal dispute resolution proc-
7 ess prior to the collection of such
8 penalty;

9 “(bb) may provide for the
10 collection of such civil money
11 penalty and the placement of
12 such amounts collected in an es-
13 crow account on the earlier of the
14 date on which the informal dis-
15 pute resolution process under
16 item (aa) is completed or the
17 date that is 90 days after the
18 date of the imposition of the pen-
19 alty;

20 “(cc) may provide that such
21 amounts collected are kept in
22 such account pending the resolu-
23 tion of any appeals;

24 “(dd) in the case where the
25 facility successfully appeals the

1 penalty, may provide for the re-
2 turn of such amounts collected
3 (plus interest) to the facility; and

4 “(ee) in the case where all
5 such appeals are unsuccessful,
6 may provide that some portion of
7 such amounts collected may be
8 used to support activities that
9 benefit residents, including as-
10 sistance to support and protect
11 residents who reside in a facility
12 that closes (voluntarily or invol-
13 untarily) or is decertified (includ-
14 ing offsetting costs of relocating
15 residents to home and commu-
16 nity-based settings or another fa-
17 cility), and projects that support
18 resident and family councils and
19 other consumer involvement in
20 assuring quality care in facilities.

21 “(VI) PROCEDURE.—The provi-
22 sions of section 1128A (other than
23 subsections (a) and (b) and except to
24 the extent that such provisions require
25 a hearing prior to the imposition of a

1 civil money penalty in the case de-
 2 scribed in subclause (V)) shall apply
 3 to a civil money penalty under this
 4 clause in the same manner as such
 5 provisions apply to a penalty or pro-
 6 ceeding under section 1128A(a).”.

7 (B) CONFORMING AMENDMENT.—Section
 8 1919(h)(5)(8) of the Social Security Act (42
 9 U.S.C. 1396r(h)(5)(8)) is amended by inserting
 10 “(ii)(V),” after “(i),”.

11 (c) EFFECTIVE DATE.—The amendments made by
 12 this section shall take effect 1 year after the date of enact-
 13 ment of this Act.

14 **SEC. 202. GAO STUDY AND REPORT ON THE RELATIVE FI-**
 15 **NANCIAL STATUS AND PERFORMANCE OF**
 16 **SPECIAL FOCUS FACILITIES.**

17 (a) STUDY.—

18 (1) IN GENERAL.—The Comptroller General of
 19 the United States shall conduct a study on the fi-
 20 nancial status, resident care, and performance of
 21 skilled nursing facilities and nursing facilities in the
 22 Special Focus Facility program (or a successor pro-
 23 gram) established by the Centers for Medicare &
 24 Medicaid Services relative to a comparable sample of
 25 facilities that are not in such program. Such study

1 shall include an examination of the ownership and
2 control interests, and any affiliated parties, of the
3 facilities studied (as applicable).

4 (2) DEFINITIONS.—In this section:

5 (A) NURSING FACILITY.—The term “nurs-
6 ing facility” has the meaning given such term
7 in section 1919(a) of the Social Security Act
8 (42 U.S.C. 1396r(a)).

9 (B) SECRETARY.—The term “Secretary”
10 means the Secretary of Health and Human
11 Services.

12 (C) SKILLED NURSING FACILITY.—The
13 term “skilled nursing facility” has the meaning
14 given such term in section 1819(a) of the Social
15 Security Act (42 U.S.C. 1395(a)).

16 (b) REPORT.—Not later than 1 year after the date
17 of enactment of this Act, the Comptroller General of the
18 United States shall submit a report to Congress and the
19 Secretary containing the results of the study conducted
20 under subsection (a), together with recommendations for
21 such legislation and administrative action as the Comp-
22 troller General determines appropriate.

1 **SEC. 203. NATIONAL INDEPENDENT MONITOR PROGRAM.**

2 (a) SKILLED NURSING FACILITIES.—Section
3 1819(h) of the Social Security Act (42 U.S.C. 1395i–
4 3(h)(2) is amended—

5 (1) by redesignating paragraphs (5) and (6) as
6 paragraphs (6) and (7), respectively; and

7 (2) by inserting after paragraph (4) the fol-
8 lowing new paragraph:

9 “(5) NATIONAL INDEPENDENT MONITOR PRO-
10 GRAM.—

11 “(A) IN GENERAL.—Not later than 1 year
12 after the date of enactment of this paragraph,
13 the Secretary, in consultation with the Inspec-
14 tor General of the Department of Health and
15 Human Services, shall develop, test, and imple-
16 ment a protocol for the establishment of an
17 independent monitoring program to oversee
18 interstate and large intrastate chains of skilled
19 nursing facilities. Such program shall be de-
20 signed to analyze such chains in 1 or more of
21 the following instances:

22 “(i) Where 3 or more facilities of the
23 chain were enrolled in the ‘Special Focus
24 Facility program’ (or a successor program)
25 established by the Centers for Medicare &

1 Medicaid Services during the preceding 3
2 years.

3 “(ii) Where the chain has been experi-
4 encing financial problems that may be
5 linked to serious quality deficiencies.

6 “(iii) Where the chain has a record of
7 chronic poor performance.

8 “(B) RESPONSIBILITIES.—The inde-
9 pendent monitoring program established under
10 subparagraph (A) shall include the following re-
11 sponsibilities:

12 “(i) Conducting periodic reviews and
13 preparing root-cause quality and deficiency
14 analyses of a chain described in such sub-
15 paragraph to assess compliance by the
16 chain with State and Federal laws and reg-
17 ulations.

18 “(ii) Conducting oversight of efforts
19 by such a chain, whether publicly or pri-
20 vately held, to achieve compliance with
21 State and Federal laws and regulations.

22 “(iii) Analyzing the management
23 structure, distribution of expenditures, and
24 nurse staffing levels of facilities of such a

1 chain in relation to resident census, staff
2 turnover rates, and tenure.

3 “(iv) Reporting findings and rec-
4 ommendations with respect to such re-
5 views, analyses, and oversight to the chain
6 and facilities of the chain, to the Secretary,
7 and to relevant States.

8 “(v) Publishing the results of such re-
9 views, analyses, and oversight.

10 “(C) IMPLEMENTATION OF RECOMMENDA-
11 TIONS.—

12 “(i) RECEIPT OF FINDING BY
13 CHAIN.—Not later than 10 days after re-
14 ceipt of a finding reported under subpara-
15 graph (B)(iv), the chain shall submit a re-
16 port to the independent monitor—

17 “(I) outlining corrective actions
18 to be taken by the chain to implement
19 the recommendations in such report;
20 or

21 “(II) indicating that the chain
22 will not implement such recommenda-
23 tions, and why it will not do so.

24 “(ii) RECEIPT OF REPORT BY INDE-
25 PENDENT MONITOR.—Not later than 10

1 days after receipt of the report submitted
2 by the chain under clause (i), the inde-
3 pendent monitor shall finalize its rec-
4 ommendations and submit a report to the
5 chain and facilities of the chain, the Sec-
6 retary, and the State or States, as appro-
7 priate, containing such final recommenda-
8 tions.

9 “(iii) CIVIL MONEY PENALTY.—The
10 Secretary may impose a civil money pen-
11 alty under subsection (h)(2)(B)(ii) on a
12 chain that fails to respond to or to take
13 corrective actions to implement the rec-
14 ommendations of the independent monitor
15 in accordance with this subparagraph.

16 “(D) COST OF APPOINTMENT.—A chain
17 shall be responsible for all costs associated with
18 the appointment of independent monitors under
19 the program under this paragraph. The chain
20 shall pay such costs to the Secretary (in accord-
21 ance with procedures established by the Sec-
22 retary).

23 “(E) EVALUATION AND REPORT.—

24 “(i) EVALUATION.—The Inspector
25 General of the Department of Health and

Human Services shall evaluate the independent monitoring program under this paragraph.

“(ii) REPORT.—Not later than 2 years after the implementation of such program under subparagraph (A), the Inspector General shall submit a report to Congress containing the results of the evaluation conducted under clause (i), together with recommendations for such legislation and administrative action as the Inspector General determines appropriate.

“(F) INTERMEDIATE REMEDY.—The appointment of an independent monitor shall be an intermediate remedy that may be in addition to or in lieu of other remedies under this subsection.”.

(b) NURSING FACILITIES.—Section 1919(h) of the Social Security Act (42 U.S.C. 1396r(h)) is amended—

(1) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(2) by inserting after paragraph (7) the following new paragraph:

“(8) NATIONAL INDEPENDENT MONITOR PROGRAM.—

1 “(A) IN GENERAL.—Not later than 1 year
2 after the date of enactment of this paragraph,
3 the Secretary, in consultation with the Inspec-
4 tor General of the Department of Health and
5 Human Services, shall develop, test, and imple-
6 ment a protocol for the establishment of an
7 independent monitoring program to oversee
8 interstate and large intrastate chains of nursing
9 facilities. Such program shall be designed to
10 analyze such chains in 1 or more of the fol-
11 lowing instances:

12 “(i) Where 3 or more facilities of the
13 chain were enrolled in the ‘Special Focus
14 Facility program’ (or a successor program)
15 established by the Centers for Medicare &
16 Medicaid Services during the preceding 3
17 years.

18 “(ii) Where the chain has been experi-
19 encing financial problems that may be
20 linked to serious quality deficiencies.

21 “(iii) Where the chain has a record of
22 chronic poor performance.

23 “(B) RESPONSIBILITIES.—The inde-
24 pendent monitoring program established under

1 subparagraph (A) shall include the following re-
2 sponsibilities:

3 “(i) Conducting periodic reviews and
4 preparing root-cause quality and deficiency
5 analyses of a chain described in such sub-
6 paragraph to assess compliance by the
7 chain with State and Federal laws and reg-
8 ulations.

9 “(ii) Conducting oversight of efforts
10 by such a chain, whether publicly or pri-
11 vately held, to achieve compliance with
12 State and Federal laws and regulations.

13 “(iii) Analyzing the management
14 structure, distribution of expenditures, and
15 nurse staffing levels of facilities of such a
16 chain in relation to resident census, staff
17 turnover rates, and tenure.

18 “(iv) Reporting findings and rec-
19 ommendations with respect to such re-
20 views, analyses, and oversight to the chain
21 and facilities of the chain, to the Secretary,
22 and to relevant States.

23 “(v) Publishing the results of such re-
24 views, analyses, and oversight.

1 “(C) IMPLEMENTATION OF RECOMMENDA-
2 TIONS.—

3 “(i) RECEIPT OF FINDING BY
4 CHAIN.—Not later than 10 days after re-
5 ceipt of a finding reported under subpara-
6 graph (B)(iv), the chain shall submit a re-
7 port to the independent monitor—

8 “(I) outlining corrective actions
9 to be taken by the chain to implement
10 the recommendations in such report;
11 or

12 “(II) indicating that the chain
13 will not implement such recommenda-
14 tions, and why it will not do so.

15 “(ii) RECEIPT OF REPORT BY INDE-
16 PENDENT MONITOR.—Not later than 10
17 days after receipt of the report submitted
18 by the chain under clause (i), the inde-
19 pendent monitor shall finalize its rec-
20 ommendations and submit a report to the
21 chain and facilities of the chain, the Sec-
22 retary, and the State or States, as appro-
23 priate, containing such final recommenda-
24 tions.

1 “(iii) CIVIL MONEY PENALTY.—A
2 State or the Secretary may impose a civil
3 money penalty under subsection
4 (h)(2)(A)(ii), or (h)(3)(C)(ii), respectively,
5 on a chain that fails to respond to or to
6 take corrective actions to implement the
7 recommendations of the independent mon-
8 itor in accordance with this subparagraph.

9 “(D) COST OF APPOINTMENT.—A chain
10 shall be responsible for all costs associated with
11 the appointment of independent monitors under
12 the program under this paragraph. The chain
13 shall pay such costs to the Secretary (in accord-
14 ance with procedures established by the Sec-
15 retary).

16 “(E) EVALUATION AND REPORT.—

17 “(i) EVALUATION.—The Inspector
18 General of the Department of Health and
19 Human Services shall evaluate the inde-
20 pendent monitoring program under this
21 paragraph.

22 “(ii) REPORT.—Not later than 2
23 years after the implementation of such pro-
24 gram under subparagraph (A), the Inspec-
25 tor General shall submit a report to Con-

gress containing the results of the evaluation conducted under clause (i), together with recommendations for such legislation and administrative action as the Inspector General determines appropriate.

“(F) INTERMEDIATE REMEDY.—The appointment of an independent monitor shall be an intermediate remedy that may be in addition to or in lieu of other remedies under this subsection.”.

**SEC. 204. GAO STUDIES AND REPORTS ON TEMPORARY
MANAGEMENT AND BARRIERS TO PUR-
CHASING FACILITIES WITH A RECORD OF
POOR CARE.**

(a) STUDY AND REPORT ON TEMPORARY MANAGEMENT.—

(1) IN GENERAL.—The Comptroller General of the United States (in this section referred to as the “Comptroller General”) shall conduct a study on—

(A) best practices for the appointment of temporary management under sections 1819(h)(2)(B)(iii), 1919(h)(2)(A)(iii), and 1919(h)(3)(C)(iii) of the Social Security Act (42 U.S.C. 1395i–3(h)(2)(B)(iii); 1396r(h)(2)(A)(iii); 1396r(h)(3)(C)(iii)); and

1 (B) barriers to the appointment of such
2 temporary management.

3 (2) REPORT.—Not later than 1 year after the
4 date of enactment of this Act, the Comptroller Gen-
5 eral shall submit a report to Congress containing the
6 results of the study conducted under paragraph (1),
7 together with recommendations for such legislation
8 and administrative action as the Comptroller Gen-
9 eral determines appropriate.

10 (3) GUIDANCE TO STATES.—The Secretary of
11 Health and Human Services shall issue guidance to
12 States based on the recommendations contained in
13 the report submitted under paragraph (2).

14 (b) STUDY AND REPORT ON BARRIERS TO PUR-
15 CHASING FACILITIES WITH A RECORD OF POOR CARE.—

16 (1) STUDY.—The Comptroller General of the
17 United States shall conduct a study on the extent
18 and the nature of any barriers for new owners who
19 purchase, and potential owners who wish to pur-
20 chase, skilled nursing facilities and nursing facilities
21 with a record of poor care.

22 (2) REPORT.—Not later than 1 year after the
23 date of enactment of this Act, the Comptroller Gen-
24 eral shall submit a report to Congress containing the
25 results of the study conducted under paragraph (1),

1 together with recommendations for such legislation
 2 and administrative action as the Comptroller Gen-
 3 eral determines appropriate to address any barriers
 4 identified in such study.

5 (3) DEFINITIONS.—In this subsection:

6 (A) NURSING FACILITY.—The term “nurs-
 7 ing facility” has the meaning given such term
 8 in section 1919(a) of the Social Security Act
 9 (42 U.S.C. 1396r(a)).

10 (B) SKILLED NURSING FACILITY.—The
 11 term “skilled nursing facility” has the meaning
 12 given such term in section 1819(a) of the Social
 13 Security Act (42 U.S.C. 1395(a)).

14 **SEC. 205. NOTIFICATION OF FACILITY CLOSURE.**

15 (a) SKILLED NURSING FACILITIES.—

16 (1) IN GENERAL.—Section 1819(c) of the So-
 17 cial Security Act (42 U.S.C. 1395i–3(c)) is amended
 18 by adding at the end the following new paragraph:

19 “(7) NOTIFICATION OF FACILITY CLOSURE.—

20 “(A) IN GENERAL.—Any individual who is
 21 the administrator of a skilled nursing facility
 22 must—

23 “(i) submit to the Secretary, the State
 24 long-term care ombudsman, residents of
 25 the facility, and the legal representatives of

1 such residents or other responsible parties,
2 written notification of an impending clo-
3 sure—

4 “(I) subject to subclause (II), not
5 later than the date that is 60 days
6 prior to the date of such closure; and

7 “(II) in the case of a facility
8 where the Secretary terminates the fa-
9 cility’s participation under this title,
10 not later than the date that the Sec-
11 retary determines appropriate;

12 “(ii) ensure that the facility does not
13 admit any new residents on or after the
14 date on which such written notification is
15 submitted; and

16 “(iii) include in the notice a plan for
17 the transfer and adequate relocation of the
18 residents of the facility by a specified date
19 prior to closure that has been approved by
20 the State, including assurances that the
21 residents will be transferred to the most
22 appropriate facility or other setting in
23 terms of quality, services, and location,
24 taking into consideration the needs and
25 best interests of each resident.

1 “(B) RELOCATION.—

2 “(i) IN GENERAL.—The State shall
3 ensure that, before a facility closes, all
4 residents of the facility have been success-
5 fully relocated to another facility or an al-
6 ternative home and community-based set-
7 ting.

8 “(ii) CONTINUATION OF PAYMENTS
9 UNTIL RESIDENTS RELOCATED.—The Sec-
10 retary may, as the Secretary determines
11 appropriate, continue to make payments
12 under this title with respect to residents of
13 a facility that has submitted a notification
14 under subparagraph (A) during the period
15 beginning on the date such notification is
16 submitted and ending on the date on which
17 the resident is successfully relocated.”.

18 (2) CONFORMING AMENDMENTS.—Section
19 1819(h)(4) of the Social Security Act (42 U.S.C.
20 1395i–3(h)(4)) is amended—

21 (A) in the first sentence, by striking “the
22 Secretary shall terminate” and inserting “the
23 Secretary, subject to subsection (c)(7), shall
24 terminate”; and

1 (B) in the second sentence, by striking
 2 “subsection (c)(2)” and inserting “paragraphs
 3 (2) and (7) of subsection (c)”.

4 (b) NURSING FACILITIES.—

5 (1) IN GENERAL.—Section 1919(c) of the So-
 6 cial Security Act (42 U.S.C. 1396r(c)) is amended
 7 by adding at the end the following new paragraph:

8 “(9) NOTIFICATION OF FACILITY CLOSURE.—

9 “(A) IN GENERAL.—Any individual who is
 10 an administrator of a nursing facility must—

11 “(i) submit to the Secretary, the State
 12 long-term care ombudsman, residents of
 13 the facility, and the legal representatives of
 14 such residents or other responsible parties,
 15 written notification of an impending clo-
 16 sure—

17 “(I) subject to subclause (II), not
 18 later than the date that is 60 days
 19 prior to the date of such closure; and

20 “(II) in the case of a facility
 21 where the Secretary terminates the fa-
 22 cility’s participation under this title,
 23 not later than the date that the Sec-
 24 retary determines appropriate;

1 “(ii) ensure that the facility does not
2 admit any new residents on or after the
3 date on which such written notification is
4 submitted; and

5 “(iii) include in the notice a plan for
6 the transfer and adequate relocation of the
7 residents of the facility by a specified date
8 prior to closure that has been approved by
9 the State, including assurances that the
10 residents will be transferred to the most
11 appropriate facility or other setting in
12 terms of quality, services, and location,
13 taking into consideration the needs and
14 best interests of each resident.

15 “(B) RELOCATION.—

16 “(i) IN GENERAL.—The State shall
17 ensure that, before a facility closes, all
18 residents of the facility have been success-
19 fully relocated to another facility or an al-
20 ternative home and community-based set-
21 ting.

22 “(ii) CONTINUATION OF PAYMENTS
23 UNTIL RESIDENTS RELOCATED.—The Sec-
24 retary may, as the Secretary determines
25 appropriate, continue to make payments

1 under this title with respect to residents of
 2 a facility that has submitted a notification
 3 under subparagraph (A) during the period
 4 beginning on the date such notification is
 5 submitted and ending on the date on which
 6 the resident is successfully relocated.”.

7 (c) EFFECTIVE DATE.—The amendments made by
 8 this section shall take effect 1 year after the date of enact-
 9 ment of this Act.

10 **SEC. 206. NATIONAL DEMONSTRATION PROJECTS ON CUL-**
 11 **TURE CHANGE AND USE OF INFORMATION**
 12 **TECHNOLOGY IN NURSING HOMES.**

13 (a) IN GENERAL.—The Secretary shall conduct 2
 14 demonstration projects, 1 for the development of best
 15 practices in skilled nursing facilities and nursing facilities
 16 that are involved in the culture change movement (includ-
 17 ing the development of resources for facilities to find and
 18 access funding in order to undertake culture change) and
 19 1 for the development of best practices in skilled nursing
 20 facilities and nursing facilities for the use of information
 21 technology to improve resident care.

22 (b) CONDUCT OF DEMONSTRATION PROJECTS.—

23 (1) GRANT AWARD.—Under each demonstration
 24 project conducted under this section, the Secretary
 25 shall award 1 or more grants to facility-based set-

1 tings for the development of best practices described
2 in subsection (a) with respect to the demonstration
3 project involved. Such award shall be made on a
4 competitive basis and may be allocated in 1 lump-
5 sum payment.

6 (2) CONSIDERATION OF SPECIAL NEEDS OF
7 RESIDENTS.—Each demonstration project conducted
8 under this section shall take into consideration the
9 special needs of residents of skilled nursing facilities
10 and nursing facilities who have cognitive impair-
11 ment, including dementia.

12 (c) IMPLEMENTATION AND DURATION.—

13 (1) IMPLEMENTATION.—The demonstration
14 projects shall each be implemented not later than 1
15 year after the date of enactment of this Act.

16 (2) IN GENERAL.—The demonstration projects
17 shall each be conducted for a period not to exceed
18 3 years.

19 (d) DEFINITIONS.—In this section:

20 (1) NURSING FACILITY.—The term “nursing
21 facility” has the meaning given such term in section
22 1919(a) of the Social Security Act (42 U.S.C.
23 1396r(a)).

24 (2) SECRETARY.—The term “Secretary” means
25 the Secretary of Health and Human Services.

1 (3) SKILLED NURSING FACILITY.—The term
 2 “skilled nursing facility” has the meaning given such
 3 term in section 1819(a) of the Social Security Act
 4 (42 U.S.C. 1395(a)).

5 (e) AUTHORIZATION OF APPROPRIATIONS.—There
 6 are authorized to be appropriated such sums as are nec-
 7 essary to carry out this section.

8 (f) REPORT.—Not later than 9 months after the com-
 9 pletion of the demonstration project, the Secretary shall
 10 submit a report to Congress on such project, together with
 11 recommendations for such legislation and administrative
 12 action as the Secretary determines appropriate.

13 **TITLE III—IMPROVING STAFF** 14 **TRAINING**

15 **SEC. 301. DEMENTIA AND ABUSE PREVENTION TRAINING.**

16 (a) SKILLED NURSING FACILITIES.—Section
 17 1819(f)(2)(A)(i)(I) of the Social Security Act (42 U.S.C.
 18 1395i–3(f)(2)(A)(i)(I)) is amended by inserting “(includ-
 19 ing, in the case of initial training and, if the Secretary
 20 determines appropriate, in the case of ongoing training,
 21 dementia management training, and patient abuse preven-
 22 tion training” before “, (II)”.

23 (b) NURSING FACILITIES.—Section
 24 1919(f)(2)(A)(i)(I) of the Social Security Act (42 U.S.C.
 25 1396r(f)(2)(A)(i)(I)) is amended by inserting “(including,

1 in the case of initial training and, if the Secretary deter-
 2 mines appropriate, in the case of ongoing training, demen-
 3 tia management training, and patient abuse prevention”
 4 before “, (II)”.

5 (c) EFFECTIVE DATE.—The amendments made by
 6 this section shall take effect 1 year after the date of enact-
 7 ment of this Act.

8 **SEC. 302. STUDY AND REPORT ON TRAINING REQUIRED**
 9 **FOR CERTIFIED NURSE AIDES AND SUPER-**
 10 **VISORY STAFF.**

11 (a) STUDY.—

12 (1) IN GENERAL.—The Secretary shall conduct
 13 a study on the content of training for certified nurse
 14 aides and supervisory staff of skilled nursing facili-
 15 ties and nursing facilities. The study shall include an
 16 analysis of the following:

17 (A) Whether the number of initial training
 18 hours for certified nurse aides required under
 19 sections 1819(f)(2)(A)(i)(II) and
 20 1919(f)(2)(A)(i)(II) of the Social Security Act
 21 (42 U.S.C. 1395i–3(f)(2)(A)(i)(II);
 22 1396r(f)(2)(A)(i)(II)) should be increased from
 23 75 and, if so, what the required number of ini-
 24 tial training hours should be, including any rec-

1 ommendations for the content of such training
2 (including training related to dementia).

3 (B) Whether requirements for ongoing
4 training under such sections
5 1819(f)(2)(A)(i)(II) and 1919(f)(2)(A)(i)(II)
6 should be increased from 12 hours per year, in-
7 cluding any recommendations for the content of
8 such training.

9 (2) CONSULTATION.—In conducting the anal-
10 ysis under paragraph (1)(A), the Secretary shall
11 consult with States that currently (as of the date of
12 enactment of this Act) require more than 75 hours
13 of training for certified nurse aides.

14 (3) DEFINITIONS.—In this section:

15 (A) NURSING FACILITY.—The term “nurs-
16 ing facility” has the meaning given such term
17 in section 1919(a) of the Social Security Act
18 (42 U.S.C. 1396r(a)).

19 (B) SECRETARY.—The term “Secretary”
20 means the Secretary of Health and Human
21 Services, acting through the Assistant Secretary
22 for Planning and Evaluation.

23 (C) SKILLED NURSING FACILITY.—The
24 term “skilled nursing facility” has the meaning

1 given such term in section 1819(a) of the Social
2 Security Act (42 U.S.C. 1395(a)).

3 (b) REPORT.—Not later than 2 years after the date
4 of enactment of this Act, the Secretary shall submit a re-
5 port to Congress containing the results of the study con-
6 ducted under subsection (a), together with recommenda-
7 tions for such legislation and administrative action as the
8 Secretary determines appropriate.

○